

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated March 24, 2009 has been received and its contents carefully reviewed.

By this Amendment, claims 1-40 are canceled without prejudice to or disclaimer of the subject matter contained therein and new claims 41-48 are added. No new matter has been added. Accordingly, claims 41-48 are pending. Reexamination and reconsideration is respectfully requested.

Claims 2-3, 10-17, and 19-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims are now canceled, and thus the rejection with respect to these claims are now moot.

Claims 1-3, 5-22, and 27 are rejected under 35 U.S.C. § 103(a) as being obvious over Program And System Information Protocol For Terrestrial Broadcast And Cable ("*Doc. A/65*") in view of U.S. Patent No. 6,526,577 to Knudson ("*Knudson*"). The rejection is respectfully traversed.

As a preliminary matter, claims 1-3, 5-22, and 27 are now canceled, and thus the rejection with respect to these claims are now moot. However, Applicant will address the rejection with respect to newly added claims 41-48.

Neither *Doc. A/65* nor *Knudson*, individually or in combination, disclose or suggest, among other features, an identification (ID) code specifying a data type and a format type of graphic information, as recited in claim 41. Further, none of the references disclose or suggest that the information type descriptor being directly received from the source of the broadcast event, as further recited in claim 41.

In the March 24, 2009 Office Action, it was asserted that a code specifying a data type of graphic information must be included in the program guide information, program guide application, or associated software because they run on a computer and the computer uses the program guide information. Applicant respectfully disagree. As an example, if a data type of the graphic information is fixed by the protocol between the program guide data source 14 and

the interactive television program guide equipment 17 shown in Fig. 1 of *Knudson*, it is not necessary for the program guide data source 14 to transmit the code in the program guide information. The equipment can simply use the pre-known data type when displaying the graphic information. Therefore, the above-noted assertion that the code must be included in the program guide information is unreasonable.

However, in *arguendo*, even if the code is included in the program guide application or associated software, as asserted in the Office Action, none of the references disclose or suggest the information type descriptor being directly received from the source of the broadcast event, as required in claim 41.

Accordingly, claim 41 recites patentable subject matter. Claims 42-48 are at least allowable by virtue of their dependency from claim 41.

The foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: April 17, 2009

Respectfully submitted,

By  \_\_\_\_\_

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